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TECHNOLOGY CENTER 2100

Lawrence E. Ashery
P.O. Box 980
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In re Application of:
Mitsuaki Oshima et al.
Application No. 10/020,425
Filed: December 7, 2001
For: MARK FORMING APPARATUS, METHOD
OF FORMING LASER MARK ON OPTICAL
DISK, REPRODUCING APPARATUS,
OPTICAL DISK AND METHOD OF
PRODUCING OPTICAL DISK

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition filed on November 12 2008 under 37 CFR § 1.181 requesting that the Examiner consider all references listed on the Form PTO-1449s filed with the Information Disclosure Statement on April 24 2008.

The petition is **Dismissed as Moot**.

BACKGROUND

A notice of allowance was mailed on November 3, 2008. The Information Disclosure Statement (IDS) of April 24 2008 was not considered at that time. The IDSs of January 5 2005 and June 5 2006 were considered in the notice of allowance.

A petition was filed by the applicant on November 12 2008 requesting the references listed on Form-1449s filed with the IDSs filed stated be considered. The IDS of April 24 2008 was resubmitted concurrently with this petition.

REGULATIONS AND PRACTICE

MPEP § 609 states the following:

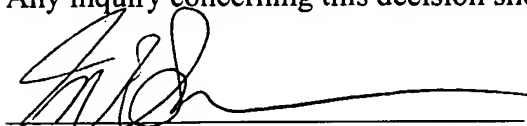
Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

OPINION

The February 16, 2005 IDS was filed under 37 CFR 1.97 and does meet the requirements of both rules 1.97 and 1.98 and MPEP 609 therefore consideration by the examiner is warranted. The examiner has already considered the document, a signed, initialed and dated 1449 has been scanned into IFW as of January 21, 2009.

Accordingly, as applicant's relief has already been received the petition is moot and therefore dismissed.

Any inquiry concerning this decision should be directed to Tod Swann at (571) 272-3612.



Tod Swann
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,425	12/07/2001	Mitsuaki Oshima	MTS-520US2	8994
7590		02/03/2009		
Allan Ratner Ratner & Prestia PO Box 980 Valley Forge, PA 19482			EXAMINER CALLAHAN, PAUL E	
			ART UNIT 2437	PAPER NUMBER
			MAIL DATE 02/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.